IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

WP(C).No. 28386 of 2006(D)

PETITIONER:

AUGUSTINE JOHN, S/O. JOHN,
AGED 45 YEARS, MANJADICKAL HOUSE,
RAMAPURAM, KOTTAYAM DISTRICT.

BY ADV. SRI.ALEXANDER JOSEPH
SRI.M.V.SABU

RESPONDENTS:

1.STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

2.RAMAPURAM GRAMA PANCHAYAT,
RAMAPURAM, REPRESENTED BY ITS SECRETARY.

3.KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS MEMBER SECRETARY,
PATTOM, TRIVANDRUM.

4.SUB INSPECTOR OF POLICE,
RAMAPURAM POLICE STATION, RAMAPURAM.

5.THOMAS KURIAN, S/O. KURIAN,
AGED 40 YEARS, MANJADICKAL HOUSE,
RAMAPURAM BAZAR P.O., RAMAPURAM.

R2 BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM
R5 BY ADV.SRI.P.C.HARIDAS
R3 BY ADV.MR.M.K.CHANDRAMOHAN DAS, S.C.
R1 & R4 BY GOVT. PLEADER SMT.T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.28386 of 2006

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Dated: 15th March, 2007

JUDGMENT

The petitioner is opposed to the conduct of poultry farm by the 5th respondent. The basic premise on which the Writ Petition filed is that the 5th respondent is conducting the poultry farm without any licence from the Panchayat. That premise is wrong in view of the stand taken by the Panchayat and by the Government that the 5th respondent is having a current valid licence. Mr.Alexander Joseph, counsel for the petitioner submits that the Panchayat had issued licence on the basis of the consent issued by the Pollution Control Board. Mr.M.K.Chandramohan Das, Standing Counsel for the Pollution Control Board also submits that consent had been given to the 5th respondent by the Pollution Control Board only after being satisfied that all safety measures have been taken for averting the pollution. But Mr.Alexander Joseph asserts that the conditions of the consent issued by the Pollution Control Board are being violated by the 5th respondent. The above submission is strongly refuted by the counsel for the 5th respondent.

2. Having regard to the rival submissions made at the Bar, I am of the view that this Writ Petition can be disposed of in the following terms:

The Pollution Control Board will conduct periodical inspections (at least once in three months) of the poultry farm conducted by the 5th respondent and ensure that the conditions of the consent issued by the Pollution Control Board are not violated by the 5th respondent. The 2nd respondent-Panchayat while considering the application for renewal of licence, if any, submitted by the 5th respondent will hear the petitioner also before final orders are passed on that application.

The Writ Petition will stand disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**